

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DUAN JONES,

Petitioner,

22 **CIVIL** 1730 (NSR)(PED)

-against-

JUDGMENT

DAVID HOWARD, Superintendent :
New York State Department of Corrections,

Respondent.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order and Opinion dated October 23, 2024, the Court adopts MJ Davison's R & R in its entirety, and deems the claims asserted as meritless. The petition for a writ of habeas corpus is therefore DISMISSED. Judgment is entered accordingly and the case is closed. As Petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253(c)(2); Love v. McCray, 413 F.3d 192, 195 (2d Cir. 2005); Lozada v. United States, 107 F.3d 1011, 1017 (2d Cir. 1997), abrogated on other grounds by United States v. Perez, 129 F.3d 225, 259-60 (2d Cir. 1997). The Court certifies pursuant to 18 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore in forma pauperis status is denied for the purposes of an appeal. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

Dated: New York, New York

October 23, 2024

DANIEL ORTIZ
Acting Clerk of Court

BY:

A handwritten signature in black ink, consisting of several loops and a final horizontal stroke.

Deputy Clerk